



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

June 1, 2017

EA-16-130

Mr. Steven Flickinger
Safety Director
JANX Integrity Group
P.O. Box 190
8550 East Michigan Avenue
Parma, MI 49269

SUBJECT: NOTICE OF VIOLATION – NRC ROUTINE INSPECTION REPORT
NO. 03011772/2016002(DNMS) AND NRC INVESTIGATION REPORT
NO. 3-2016-004 – JANX INTEGRITY GROUP

Dear Mr. Flickinger:

On January 19-21, 2016, the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Parma, Michigan, and at several temporary job sites within the State of Michigan. The details of the inspection were documented in the non-Public version of NRC Inspection Report No. 03011772/2016002(DNMS), issued on February 25, 2016. The NRC Office of Investigations began an investigation on February 1, 2016, and completed the investigation on June 1, 2016. The purpose of the investigation was to determine whether licensee personnel: (1) willfully failed to follow Title 10 of the *Code of Federal Regulations* (CFR) section 34.41(a), which requires that while performing radiography away from a permanent radiographic installation, the radiographer be accompanied by at least one other qualified individual; (2) willfully failed to follow 10 CFR 34.49(b), which requires that a survey be conducted of the radiographic exposure device and guide tube after each exposure when approaching the device; and (3) willfully failed to follow 10 CFR 34.31(a), which requires visual and operability checks on radiographic exposure device before use on each day the equipment is to be used. Based on the results of the inspection and investigation, the NRC identified three apparent willful violations of NRC requirements. The circumstances surrounding the apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with your Corporate Radiation Safety Officer, Mr. William Reeve, during an exit meeting by telephone on February 4, 2016.

In the NRC's January 17, 2017, letter transmitting the results of the NRC investigation, we provided you with the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference, providing a written response, or attending an alternative dispute resolution session before we made our final enforcement decision. In a letter, dated January 24, 2017, you provided a written response to the apparent violations.

Based on the information developed during the inspection and investigation and the information that you provided in your January 24, 2017, response, the NRC has determined that three willful violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in our January 17, 2017, letter. The violations involved the deliberate failure to: (1) conduct radiographic operations at a temporary job site with at least two qualified individuals as required by 10 CFR 34.41(a); (2) conduct a survey of the radiographic exposure device and guide tube after each exposure when approaching the device as required by 10 CFR 34.49(b); and (3) perform visual and operability checks on radiographic exposure device as required by 10 CFR 34.31(a). Specifically, during the inspection on January 19-21, your staff informed the inspector that during observations of work activities on September 18, 2015, radiographic operations were deliberately performed without two qualified individuals being present. One of the qualified individuals was in the cab of the truck facing away from the radiographic operations and was therefore, unable to observe operations. In addition, your staff informed the inspector that surveys of the device were observed deliberately not being performed after each exposure, and that the visual and operability checks of the exposure device and associated equipment were deliberately not performed prior to use on September 18, 2015.

Willful violations of NRC requirements cannot be tolerated. The failure to perform radiographic operations with two qualified individuals, conduct surveys of the exposure device and guide tube after each exposure, and perform visual and operability checks on radiographic exposure devices is a significant safety concern. The purpose of the second qualified individual is to provide immediate assistance when needed and to prevent unauthorized entry into the restricted area where radiographic operations are being performed. The purpose of the survey is to ensure the radioactive material is returned to the exposure device after the exposure is completed. The purpose of the visual and operability checks before use is to ensure the equipment is working properly so that the radiographic operations can be conducted safely. Therefore, these violations are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level III problem. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$14,000 is considered for a Severity Level III problem.

Because the violation was willful, the NRC considered whether credit was warranted for both *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit was warranted for *Identification* because your staff identified the violations and informed the inspector of the circumstances during a routine inspection. Credit was also warranted for *Corrective Action* that included terminating the employment of the individuals who willfully violated NRC requirements, and discussing this incident and corrective actions with the radiography staff during annual refresher training.

Therefore, to encourage prompt identification and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III problem constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03011772/2016002(DNMS) and your letter, dated January 24, 2017. Therefore, you are not

required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390, a copy of this letter, its enclosure, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

/RA/

Cynthia D. Pederson
Regional Administrator

Docket No. 030-11772
License No. 21-16560-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to S. Flickinger from Cynthia D. Pederson dated June 1, 2017

SUBJECT: NOTICE OF VIOLATION – NRC ROUTINE INSPECTION REPORT
NO. 03011772/2016002(DNMS) AND NRC INVESTIGATION REPORT
NO. 3-2016-004 – JANX INTEGRITY GROUP

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OFC	RIII-EICS	RIII-DNMS	RIII-DNMS	OE	RIII-EICS	RIII-ORA
NAME	Lambert:jc	AMcCraw	JGiessner	PHolahan1	Rskokowski	CPederson
DATE	3/24/17	3/27/17	3/27/17	05/18/17	05/19/17	6/1/17

OFFICIAL RECORD COPY

1 OE Concurrence received per email from Thomas Marenchin dated May 18, 2017.

NOTICE OF VIOLATION

JANX Integrity Group
Parma, Michigan

Docket No. 030-11772
License No.21-16560-01
EA-16-130

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on January 19-21, 2016, and the NRC Office of Investigations investigation completed on June 1, 2106, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) 10 CFR 34.41(a) requires, in part, that whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at minimum met the requirements of §34.43(c). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry.

Contrary to the above, on September 18, 2015, JANX Integrity Group performed radiography at a temporary job site in Samaria, Michigan, with only one qualified individual present. Specifically, one qualified radiographer conducted radiographic operations at the job site from behind the licensee's truck while the other qualified radiographer assigned to the job site sat in the driver's seat of the truck, located approximately 20 feet away, and was unable to observe the operations or provide immediate assistance to prevent unauthorized entry.

- B. Title 10 CFR 34.49(b) requires, in part, that the licensee conduct a survey of the radiographic exposure device and the guide tube with a calibrated and operable radiation survey instrument after each exposure when approaching the device or guide tube. The survey must determine that the sealed source has returned to its shielded position.

Contrary to the above, on September 18, 2015, the licensee failed to conduct a survey of the radiographic exposure device after each radiographic exposure to determine that the sealed source had been returned to its shielded position. Specifically, a radiographer approached the radiographic exposure device after several exposures and did not conduct a survey of the radiographic exposure device and the guide tube with a calibrated and operable radiation survey instrument.

- C. Title 10 CFR 34.31(a) requires, in part, that the licensee perform visual and operability checks on survey meters, radiographic exposure devices, transport and storage containers, associated equipment and source changers before use on each day the equipment is to be used to ensure that the equipment is in good working condition, that the sources are adequately shielded, and that required labeling is present. If equipment problems are found, the equipment must be removed from service until repaired.

Condition 19.A of NRC License No. 21-16560-01 Amendment No. 30 requires, in part, that JANX Integrity Group shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated August 21, 2014.

Enclosure

Item 5.D.27 of the section "Daily Maintenance Inspection of Radiographic Equipment" of the "Operating and Emergency Procedures – Radiographers Manual" (revised March 2013) contained in the application dated August 21, 2014 requires the following for SPEC 150 radiographic exposure devices: "using light force, attempt to install the control adapter on the exposure device with the drive cable and the source assembly disconnected. If the adapter can be installed it is possible for a misconnect."

Contrary to the above, on September 18, 2015, the licensee failed to perform operability checks to ensure that the drive cable for a SPEC 150 radiographic exposure device was in good working condition prior to use at a job site in Samaria, Michigan. Specifically, the crew did not attempt to install the control adapter on the exposure device with the drive cable and the source assembly disconnected, to check for a potential misconnect.

This is a Severity Level III problem (Section 6.3).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03011772/2016002(DNMS) and your letter, dated January 24, 2017. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-16-130," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, 2443 Warrenville Road, Lisle, IL 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 1st day of June 2017.